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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Wassim Haddad

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INTELLECTUAL PROPERTY ADMINISTRATION
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EXAMINER

HSU, ALPUS

ART UNIT

PAPER NUMBER

2419

NOTIFICATION DATE

DELIVERY MODE

10/14/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/697,962	Applicant(s) HADDAD, WASSIM	
	Examiner Alpus H. Hsu	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The replacement sheet of drawing was received on December 10, 2007. These drawings are unacceptable for the following reasoning:

The drawing is objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed **controller differs from the access points and includes a software agent** as in claims 1, 2, 6, 7, 15, 16 and 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawing is further objected to because it fails to illustrate the relationship of communication/connection between the Internet and the Service Provider Network.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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2. Claims 1-7, 15, 16 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claimed feature of **a controller differs from the access points and includes a software agent** as in claims 1, 2, 6, 7, 15 and 16 contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. To be more specific, according to page 2, par. [007] of the original specification disclosure, it stated that “a software agent associated with the access point constitutes the controller”, and page 5, par. [0020], lines 2-3 of the original specification disclosure, it stated that “the software agent A1 is configured as a controller to set up a peer-to-peer (P2P) connection”. None of the above paragraphs or any other part of the original disclosure supports the claimed feature of having “**a controller differs from the access points and includes a software agent**”.

3. Claims 5-14, 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, lines 1-2, “the software agent” lacks antecedent basis.

In claim 6, line 5, claim 8, line 1, claim 16, line 12, claim 17, line 1, claim 18, line 1, claim 19, line 1, each term of “the QoS” lacks antecedent basis.

Claims 7 and 20 are rejected for depending on claim 6.

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Claims 9-14 are rejected for depending on claim 8.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 15, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over HAGEN (of record) in view of SHAH in U.S. Patent No. 6,957,069 B2 (newly cited), hereinafter referred to as SHAH.

Referring to claims 1-6, 15 and 16, HAGEN discloses a wireless LAN (100) comprising an access point (3 or 4), a plurality of mobile communications devices (1) requiring data communication with the access point, and a controller (3 or 4) for controlling the supply of data communication to the mobile communications devices, the controller being such as to set up a peer-to-peer session between a mobile communications device and the access point, wherein the controller includes a software agent associated with the access point, and wherein the controller is such as to control the peer-to-peer session between the mobile communications devices and the access point (see paragraphs [0010 to [0012], [0042] to [0045], [0097], [0102] to [0104]).

HAGEN differs from the claims, in that, it does not disclose the feature of having the controller sets up a peer-to-peer connection between a first mobile communications device for already receiving a data communication supplying a given service and a second mobile communications device requiring that service so as to provide the second mobile communications device with the given service from the first mobile communications device using a wireless technology appropriate to the QoS required by the second mobile

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communications device, which is well known in the art and commonly applied in wireless communications field for providing direct communication between mobile communication devices.

SHAH, for example, from the similar field of endeavor, teaches the specific feature of having a controller (transceiver controller for wireless transmit/receive unit) for setting up a peer-to-peer connection between mobile communications devices (WTRUs) (see col. Col. 3, line 29 to col. 4, line 8, col. 5, lines 1-35, col. 8, lines 13-39), which can be easily adopted by one of ordinary skill in the art into the system of HAGEN, to provide direct communication between mobile communication devices, thereby preserving the quality of service (QoS) assurance.

Referring to claims 7 and 20, HAGEN discloses that the controller is such as to register the second mobile communications device with an SIP server associated with the access point by providing that device with an SIP address, whereby that device can subsequently set up the peer-to-peer connection with the first mobile communications device using SIP messages (see paragraphs [0069] and [0114]).

6. Claims 8-14, 17-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cudak et al., Forslow, Alapuranen et al., Reddy et al., Chow et al., and Ji et al. are additionally cited to show the common feature of peer-to-peer wireless local area network utilizing access points for maintaining desired QoS similar to the claimed invention.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay K. Patel can be reached on (571)272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH

/Alpus H. Hsu/
Primary Examiner, Art Unit 2419